

1 A Yes, ma'am.

2 Q What lane was it in?

3 A In the left lane.

4 Q And then what happened?

5 A Well, tried to avoid hitting the car that was
6 parked, so I guess he tried to go around it and he just
7 lost control of the truck and went all the way to the
8 shoulder side sideways.

9 Q Did you hear his brakes screeching?

10 A Yes, ma'am.

11 Q And he swerved into the right lane?

12 A He tried to avoid him, yes, ma'am.

13 Q And then did his truck start skidding or
14 sliding?

15 A Sliding, it went sideways. When it hit the
16 truck it was going, like, sideways like that.

17 Q And then it made impact with the SMC tractor?

18 A With the SMC truck.

19 Q On the passenger side?

20 A The driver's.

21 Q The passenger side of the Toyota and the
22 driver's side of the SMC truck?

23 A Yes, ma'am.

24 Q Did it bounce off?

25 A Yes, ma'am.

1 Q And was Israel's vehicle stopped when the impact
2 happened?

3 A Yes, ma'am.

4 Q Do you know exactly where the impact happened?

5 MR. HEARN: Object to form.

6 MR. FRANKL: Object to form.

7 MS. WHITE: Okay.

8 Q (By Ms. White) You can answer.

9 A I'm not sure, ma'am.

10 Q Did it happen in the -- did the impact between
11 the Toyota truck and the SM -- for the little pickup truck
12 and the SMC tractor happened in the southbound right lane
13 of Interstate 81?

14 A I'm not sure.

15 Q So you just can't say?

16 A I can't say.

17 Q And then what happened after that?

18 A After that when the truck hit the truck, I ran
19 back over here because started, like, a bunch of them
20 started coming and I guess a little bread truck or
21 something, whatever it was, came and hit the pickup, and
22 man, like, everybody started getting off the trucks, like,
23 all the truck drivers, like, everybody was moving out of
24 the way.

25 Q So did you go check on Israel after the first

1 impact?

2 A No, ma'am.

3 Q What did he do after the first impact?

4 A I'm not sure, ma'am.

5 Q Did you see him start backing up at all?

6 A I'm not sure.

7 Q He eventually did back up?

8 A Yes, ma'am.

9 Q When -- do you know -- did you observe him at
10 any time start backing up?

11 A No, ma'am, like I said, I ran back because there
12 was a lot of debris flying inside the rest area.

13 Q So you ran back further southbound inside the
14 rest area?

15 A Yeah.

16 Q And did you observe the accident with the bread
17 truck?

18 A I heard the noise.

19 Q You just heard it?

20 A Yes, I heard it. I just saw it coming like from
21 the hill down and then I just heard the impact and all
22 that.

23 Q Do you know what Art did after the first impact?

24 A Art, he ran, he ran to try to get the guy off
25 the little truck.

1 Q Do you know what lane the little truck ended up
2 in?

3 A It was between both lanes.

4 Q Between the --

5 A Sideways, yes, ma'am.

6 Q -- right and left lane of southbound Interstate
7 81?

8 Let me ask the question and clarify for the
9 record.

10 So you observed the little Toyota, the
11 little pickup truck, between, after the first impact,
12 between the left and right lane of Interstate 81 South?

13 A Yes, ma'am.

14 Q Do you know which way it was facing? Was it
15 facing towards the median or towards the rest area?

16 A I'm not sure.

17 Q Did you -- did you see Art run out to the pickup
18 truck?

19 A No, ma'am, I saw him running back inside the
20 rest area.

21 Q Do you know how much time elapsed between the
22 two impacts with --

23 A I'm not sure, ma'am. Pretty fast.

24 Q Very fast?

25 A (Nods head.)

1 Q Thirty seconds?

2 A No, probably longer than that.

3 Q Longer than 30 seconds, less than a minute?

4 A I'm not sure, ma'am.

5 Q Did you ever observe the young man in the pickup
6 truck get out of his pickup truck?

7 A I saw him when Art pull him off the truck and
8 that's all I saw. After that I just saw running back
9 inside the rest area.

10 Q Did you see what the young man did?

11 A I'm not sure, ma'am, because I think he ran,
12 like, to the opposite side.

13 Q As Art was running back across Interstate 81, is
14 that when the bread truck was coming?

15 A Yes.

16 Q Did Art just narrowly miss getting hit by the
17 bread truck?

18 A Yes, ma'am.

19 Q Do you know if Art had any conversation with the
20 young man in the pickup truck?

21 A I'm not sure, ma'am.

22 Q Did he ever tell you anything the young man
23 said?

24 A No, ma'am.

25 Q And at the same time, were there cars trying to

1 come in the entrance to the rest area?

2 A Yes, ma'am, there was a lot of traffic.

3 Q And then did you see -- did you see where the
4 little pickup truck eventually ended up?

5 A The grass area.

6 Q The grass area closest to the rest area?

7 A Yes, ma'am.

8 Q And did it end up against one of those trees?

9 A I'm not sure.

10 Q Just to be clear, we're talking about the grassy
11 area that's between Interstate 81 and the rest area?

12 A Yes, ma'am.

13 Q And did you see where the bread truck eventually
14 ended up?

15 A Sideways where the trees are.

16 Q In that same grassy area?

17 A Yes, ma'am.

18 Q Did you ever have any conversation with the
19 young man in the pickup truck?

20 A No, ma'am.

21 Q Did you ever have conversation with the driver
22 of the bread truck?

23 A No, ma'am.

24 Q So what did you do after the second accident?

25 A I just stayed there, like, standing there.

1 Q Where were you standing?

2 A Where cars are parked. Like, where my truck was
3 broke down, next to it.

4 Q And Israel eventually did back down, come back
5 down the entrance ramp, right?

6 A Yes, ma'am.

7 Q And where did he park?

8 A He parked back in the same area over here where
9 it broke down.

10 Q It had been previously parked?

11 A Yes, ma'am.

12 Q Do you know, did he move his vehicle at all
13 before the police arrived?

14 A I'm not sure.

15 Q Do you know how long it took for the police to
16 arrive?

17 A I'm not sure. I couldn't say.

18 Q Did you ever talk to either of the state
19 troopers?

20 A No, ma'am.

21 Q Did you ever talk to a lady who worked in the
22 rest area?

23 A No, ma'am.

24 Q Did you ever observe a car have to drive through
25 the truck area and turn around to go into the car area on

1 the south side because Israel was blocking the way?

2 A No, ma'am.

3 Q Did -- as Israel is -- when you come out of the
4 bathroom and Israel is already pulled up the entrance
5 ramp, did he have any sort of flashers on?

6 A I'm not sure, ma'am.

7 Q Had he put out any flares?

8 A No.

9 Q Did you guys have any flares?

10 A The triangles. We don't carry flares.

11 Q Did Eddie have any flares in his vehicle?

12 A No, ma'am.

13 Q It was dark outside?

14 A Yes, ma'am.

15 Q Did anyone ever suggest that you guys wait until
16 it was light out to move the vehicle?

17 A No, ma'am.

18 Q No one set out any of the triangles before
19 Israel moved the truck?

20 A The triangles for what?

21 Q As sort of a warning he was going to be going
22 out the entrance.

23 MR. HEARN: Object to form.

24 A Why would you set up triangles?

25 Q I'm just saying, no one set out any triangles?

1 A I don't understand the question. Like, why
2 would you set out triangles for? Like you're trying to
3 pull out or whatever you try to do, then you got to go
4 walk, like, back to get the triangle, or what? I don't
5 understand the question.

6 Q I'm just saying, no one set out any triangles?

7 A No.

8 Q Did -- was the SMC tractor and the, your Salinas
9 tractor, was it connected by any electrical wire?

10 A No, ma'am.

11 Q Was there any sort of, like, flasher system that
12 was put on the back?

13 A On the front part of the truck, yes.

14 Q Yeah. And was that connected to the SMC
15 tractor?

16 A I'm not sure, ma'am.

17 Q So eventually the police did arrive?

18 A Yes, ma'am.

19 Q And you didn't talk to them.

20 What were you doing while they were doing
21 the whole investigation?

22 A I was just standing there.

23 Q By the two connected tractors?

24 A No, ma'am, I was standing on top of the hill
25 with some other drivers, on top of the hill.

1 Q On top of the hill?

2 A In the left-hand side, on the left-hand side
3 where the trees are.

4 Q So where the trees are between the Interstate
5 and the rest area?

6 A Yes, ma'am.

7 Q Just sort of watching everything going on?

8 A Yes, ma'am.

9 Q Did you have any conversation with Israel about
10 what he was doing --

11 A No, ma'am.

12 Q -- at the time?

13 A (Nods head.)

14 Q Have you ever had any conversation with Israel
15 about what he was doing at the time?

16 A No, ma'am.

17 Q Do you know what Art did after he ran back
18 across the highway?

19 A No, I'm not sure.

20 Q Did he ever talk to the police?

21 A I'm not sure.

22 Q Was he standing with you on the hill?

23 A No, ma'am.

24 Q Did you guys, did you watch the helicopter land?

25 A I saw the helicopter when it landed.

1 Q And where did it land?

2 A On top of the highway the middle two lanes.

3 Q Of the southbound lane?

4 A Southbound.

5 Q And where was Eddie as the helicopter was
6 landing?

7 A I'm not sure.

8 Q To your knowledge, did Eddie witness the
9 accident at all?

10 A No, ma'am.

11 Q I mean, do you know whether he did?

12 A I don't know.

13 Q Have you ever had any conversation with him
14 about it?

15 A No, ma'am.

16 Q Did you have any conversation with Art while all
17 the emergency work was going on?

18 A No, ma'am.

19 Q Have you had any conversation with Art since,
20 since then about what happened?

21 A No.

22 Q No?

23 A No.

24 Q So eventually you guys leave the rest area after
25 everything gets all cleared up?

1 A Yes, ma'am.

2 Q And how did you guys leave?

3 A We got to unhook my truck again that morning
4 because we couldn't turn the truck around and so we had to
5 unhook it and pull it down, like, four or five miles to a
6 new truck stop in Roanoke.

7 Q Before you unhooked it did Israel again try to
8 back his truck up?

9 A He was trying to back up in the same area where
10 the cars parked.

11 Q And did you watch him do that?

12 A Yes, ma'am, we were helping him.

13 Q And did the trooper come over to you at that
14 time?

15 A Yes, ma'am.

16 Q And was he upset that Israel was trying to do
17 that?

18 A Yes, ma'am.

19 Q So, and then so did you unhook it right where it
20 was when the trooper said stop?

21 A No, ma'am, we parked it back same area.

22 Q And so then you unhooked the two of them and
23 hooked it up, and then how did you hook it up?

24 A Pulled it with a chain.

25 Q Pulled it with a chain to a truck stop a few

1 miles down the road?

2 A Yes, ma'am.

3 Q And then you guys were able to hook him up
4 properly?

5 A Yes, ma'am.

6 Q Was there any mechanical difficulty with the SMC
7 tractor as you guys were leaving the rest area?

8 A No, ma'am.

9 Q Where was the damage on it?

10 A On the bumper.

11 Q On, like, all across the bumper or just on one
12 particular side?

13 A The whole bumper.

14 Q The whole bumper?

15 A Yes, ma'am.

16 Q Was there any damage to the Salinas tractor?

17 A No, ma'am.

18 Q Did Israel have to come and get any
19 documentation from either of the tractors?

20 A I'm not sure, ma'am.

21 Q As you guys were driving up to Virginia from
22 Houston, did Israel keep any sort of log of his driving?

23 A He was making logs, yes, ma'am.

24 Q And was that a log on a Salinas form or in an
25 SMC form?

1 A I'm not sure, ma'am.

2 Q Was there a notebook that the logs were kept in?

3 A I'm not sure.

4 Q Do you have any idea what he did with the logs
5 he was keeping?

6 A I'm not sure.

7 Q Did you keep a log?

8 A I threw mine away. Yes, ma'am.

9 Q For the trip to Virginia?

10 A Yes, ma'am. When I came back I threw mine away
11 because I don't need them, so I threw them away.

12 Q Are you aware of what the requirements are for
13 keeping logs?

14 A What do you mean?

15 Q Well, you're a long haul truck driver?

16 A Uh-huh.

17 Q Yes? -

18 A Yes, ma'am.

19 Q How long have you been doing that?

20 A Since 1990.

21 Q And so you're aware that you're required to keep
22 a log?

23 A Yes, ma'am, but I wasn't working for none of the
24 companies so I don't need to keep a log.

25 Q So it's your understanding that you don't need

1 to keep it?

2 A Yes, ma'am.

3 Q Did you throw it away immediately?

4 A I'm not sure.

5 Q So you don't know when you threw it away?

6 A Yes, ma'am.

7 Q Do you know when you became aware that there had
8 been a lawsuit filed in this case?

9 A I'm not sure.

10 Q Did Rudy ever ask for your logs --

11 A No, ma'am.

12 Q -- for this trip?

13 So you have no idea what happened to
14 Israel's logs?

15 A No, ma'am.

16 Q Were they included in the group you threw away?

17 A No, ma'am.

18 Q Are you aware of whether Israel kept logs for
19 other trips he had done for Salinas Express?

20 A I'm not sure, ma'am.

21 Q Did you and Israel as you're there at the rest
22 area after the accident have any conversation about what
23 paperwork was needed to give to the state trooper?

24 A No, ma'am.

25 Q Did you observe him ever retrieving any

1 paperwork from either vehicle?

2 A No, ma'am.

3 Q When did you notify Rudy that there had been an
4 accident?

5 A I'm not sure.

6 Q You did eventually do that?

7 A I'm not sure, ma'am. I don't remember.

8 Q The -- so eventually when you guys get to the,
9 you leave the rest area, go to the truck stop and properly
10 hook up the trucks -- well, who drove away the SMC tractor
11 from the rest area?

12 A From the rest area, Israel.

13 Q Israel. Did he seem okay to drive?

14 A Yes, ma'am.

15 Q Do you know what time you guys left the rest
16 area?

17 A I'm not sure.

18 Q Was it light out?

19 A I think so, yes, ma'am.

20 Q And was Eddie following you guys when you left
21 the rest area?

22 A I'm not sure, ma'am, whether he was already
23 there or behind us.

24 Q Did you ever see Eddie again at the rest area
25 after the load was hooked up to his tractor?

1 A No, ma'am.

2 Q When was the next time you saw Eddie?

3 A At the truck stop.

4 Q And then did you guys develop a plan there at
5 the truck stop what the rest of the trip was going to be
6 like?

7 A No, ma'am.

8 Q Well, I guess Eddie had to return the load?

9 A Yes, ma'am.

10 Q And that was your originally assigned load?

11 A Yes, ma'am.

12 Q Who assigns work at Salinas Express?

13 A My brother Rudy.

14 Q So Rudy had originally assigned you that load
15 that Eddie returned?

16 A Yes, ma'am.

17 Q And did Israel ride with Eddie to make that
18 final delivery?

19 A Yes, ma'am.

20 Q And that was delivered to Laredo?

21 A I'm not sure. I think, I guess it was Laredo
22 load. Yes, ma'am, Laredo.

23 Q Do you know who drove on that return leg of the
24 trip?

25 A I'm not sure, ma'am.

1 Q Do you know how long it took them?

2 A I'm not sure. I didn't see them again later.

3 They left.

4 Q After the truck stop, is that the last time you
5 saw them?

6 A Yes, ma'am.

7 Q And then you and Art drove the SMC tractor,
8 hauling your broken down tractor?

9 A Yes, ma'am.

10 Q But Art didn't drive the SMC tractor?

11 A No.

12 Q He doesn't have a CDL?

13 A He doesn't have a CDL.

14 Q And so did you drive, did you drop him back off
15 in Houston?

16 A Yes, ma'am.

17 Q And then did you come back to Zapata?

18 A To Zapata, drop off my truck and went and left
19 the SMC truck in Weslaco.

20 Q Did you see any logs for Israel Martinez in that
21 truck when you dropped it off?

22 A No, ma'am.

23 Q Did you talk to Rudy at all on your return trip
24 to Texas?

25 A I don't remember.

1 Q Do you know, have you ever talked to Rudy about
2 the accident?

3 A No.

4 Q Do you know how he found out that there was an
5 accident?

6 A I'm not sure, ma'am.

7 Q So I just want to be clear. Is it your
8 testimony today that you never ever had a conversation
9 with your brother Rudy about this accident?

10 A Yes, ma'am, like, I never told him. We don't
11 talk like that, like, get into details like that. He just
12 knows about it, that we had the accident but we haven't
13 talked about it.

14 Q And do you know how he found out that there even
15 was an accident?

16 A I don't remember.

17 Q Do you know whether Israel called and told him
18 there was an accident?

19 A I can't say.

20 Q Did -- did you ever have any conversation with
21 Sergio Cuellar about the accident?

22 A Yes, ma'am.

23 Q When did you notify him that there had been an
24 accident?

25 A That night.

1 Q The night of the accident?

2 A Yes, ma'am.

3 Q And what did you tell him?

4 A Just told him there was an accident.

5 Q Involving his truck?

6 A Yes, ma'am.

7 Q And what was his response?

8 A We just told him what happened and, I said,
9 like, I just told him that he got hit, like Israel was
10 trying to pull out and he got hit there on the shoulder.
11 He just told me send me pictures of the truck about what
12 happened and that was it. That's the only time I talked
13 to him.

14 Q So you haven't had any conversation with him
15 other than that?

16 A No.

17 Q Have you ever had any conversation with him
18 about whether the truck was insured or not?

19 A No, ma'am.

20 Q So did he ever express concerns to you that the
21 truck wasn't on his insurance?

22 A No, ma'am.

23 Q And he was not surprised that the truck was in
24 Virginia?

25 A No, ma'am.

1 Q He knew where it was going?

2 A Yes, ma'am.

3 Q Your tractor, Salinas Express tractor 110,
4 there's no formal written lease governing its use or
5 ownership, is there?

6 A How do you mean?

7 Q Well, the title is in your brother Rudy's name?

8 A Yes, ma'am.

9 Q And there's no written lease or anything
10 releasing it to you or anything?

11 A No, ma'am.

12 Q It's just sort of a verbal understanding that
13 you're going to pay him for it --

14 A Yes, ma'am.

15 Q -- and use it for his business?

16 A Yes, ma'am.

17 Q Do you know who paid for the fuel for the SMC
18 tractor on the way up to Virginia?

19 A I did.

20 Q Personally?

21 A Yes, ma'am.

22 Q Were you reimbursed at all for it?

23 A No.

24 MR. DUNN: What was that, he said no?

25 THE WITNESS: What was that, sir?

1 MR. DUNN: What was the answer to the
2 question? I didn't hear.

3 THE WITNESS: No, sir.

4 MR. DUNN: Okay.

5 Q (By Ms. White) Does Salinas Express have certain,
6 like, fuel stations that it generally uses?

7 A No.

8 Q Like Loves or Flying J?

9 A No.

10 Q How is fuel -- aside from this trip, how is fuel
11 generally paid for when you take a trip for Salinas
12 Express?

13 A Cash, t-check, Comcheck.

14 Q So they'll give you cash, sometimes they'll give
15 you cash in advance just to pay for fuel?

16 A Yes, ma'am.

17 Q Or sometimes they'll use a T-check. My
18 understanding that's an electronic code that they send
19 you, correct?

20 A Yes, ma'am.

21 Q And you just give that to the person at the fuel
22 station and it goes on the Salinas Express account?

23 A I don't know how it works. They just give a
24 T-check. I don't know.

25 Q What was the third way?

1 A Comcheck.

2 Q What's that?

3 A The same as T-check.

4 Q Different company?

5 A Different, I guess different company or
6 something.

7 Q That also involves electronic code that they
8 send you?

9 A Yes, ma'am.

10 Q In general, when you deliver a load it's
11 assigned by Rudy?

12 A Yes, ma'am.

13 Q And does he tell you what route to take?

14 A No, ma'am.

15 Q Are you aware of any electronic devices within
16 the tractor that monitor, in any of the Salinas Express
17 tractors, that monitor its whereabouts?

18 A No, ma'am.

19 Q Do all the tractors have a GPS?

20 A No, ma'am.

21 Q Do any of them?

22 A No, ma'am.

23 Q Do you know, was Israel Martinez disciplined in
24 any way by Salinas Express after this accident?

25 MR. HEARN: Objection.

1 A I'm not sure.

2 Q Do you know, was he given any warnings?

3 A I don't know, ma'am.

4 Q When you arrived at the rest area was Israel
5 awake or asleep at the time?

6 A I'm not sure, ma'am.

7 Q Other than stops for fuel, did you guys make any
8 stops on the way from Houston to Virginia?

9 A No.

10 MS. WHITE: We'll take a break.

11 THE VIDEOGRAPHER: The time is 11:17 in the
12 morning and we are off the record.

13 THE VIDEOGRAPHER: We are back on the
14 record. The time is 11:26 in the morning, and you may
15 continue with the deposition, please.

16 Q (By Ms. White) I just wanted to clarify,
17 Mr. Salinas, did you actually see the young man from the
18 pickup truck go towards the median?

19 A Yes, ma'am.

20 Q You did?

21 A Yes.

22 Q Okay.

23 A He ran, like, the opposite side, like to the
24 median.

25 MS. WHITE: All right. Those are all the

1 questions I have.

2 MR. HEARN: Go ahead.

3 EXAMINATION

4 BY MR. DUNN:

5 Q Mr. Salinas, since you started working for
6 Salinas Express you haven't worked for any other
7 businesses, have you?

8 A No, sir.

9 Q So you agree with me on that?

10 A Yes, sir.

11 Q And when did you start working for Salinas
12 Express?

13 A On -- it was September 9th, '15.

14 Q September 9th, 2015?

15 A Yes, sir.

16 Q And before that you worked for SMC Transport?

17 A That's correct, sir.

18 Q How long did -- when did you start working for
19 SMC Transport?

20 A I'm not sure. I know I was working for a whole
21 year with them.

22 Q And why did you switch over from SMC Transport
23 to working for Salinas Express?

24 A It's -- I was trying -- well, at the beginning I
25 was trying to get in with Salinas Express but the

1 insurance only allows five trucks the first year. So my
2 cousin Sergio gave me a chance to start with him that year
3 and once the year was up I could go with our company.

4 Q That's Salinas Express?

5 A Yes, sir, that's correct.

6 Q All right. And you said earlier that you drove
7 that SMC Transport truck that you had driven up to
8 Virginia to pick up your disabled Salinas Express truck,
9 you had driven it before?

10 A Yes, sir, that's correct.

11 Q Okay. Do you know how many other times you've
12 driven it?

13 A I'm not sure, like twice.

14 Q Okay. Was that long haul, short, local trips or
15 what?

16 A Local, local haul.

17 Q And that's when you were working for SMC
18 Transport?

19 A That's correct, sir.

20 Q After you started working for Salinas Express,
21 did you ever use a SMC vehicle other than this trip up to
22 Virginia?

23 A No, sir.

24 Q Now, that trip up to Virginia around October 26,
25 2015 that was not for SMC Transport, was it?

1 A No, sir.

2 Q That was for?

3 A My personal self, yes, sir.

4 Q Personal, to get your disabled vehicle up there
5 at the rest stop?

6 A That's correct, sir.

7 Q No one from SMC Transport was on that trip with
8 you when you went up there October 26th, 2015?

9 A No, sir.

10 Q No, you agree with me?

11 A I agree; yes, sir.

12 Q No one from SMC Transport was telling you what
13 to do on that trip up to Virginia to pick up your truck,
14 correct?

15 A No, sir; that's correct..

16 Q In fact, the only connection you had with SMC
17 Transport is that you were driving an SMC Transport
18 tractor up to Virginia, correct?

19 A That's correct, sir.

20 Q SMC Transport didn't receive any type of benefit
21 for your using that truck to go up to Virginia, correct?

22 A Yes, sir; that's correct.

23 Q Now, before you went up on that trip up to
24 Virginia you talked to Sergio Cuellar about using the SMC
25 Transport vehicle; is that right?

1 A That's correct, sir.

2 Q Did you call him on the phone or did you talk to
3 him in person or how did that --

4 A Called him on the phone.

5 Q And what did he tell you?

6 A Well, he asked me -- I told him I was broke down
7 and he asked me if we had any trucks available to go pick
8 up mine. I told him no. He said he had the black truck
9 available. He could lend it to me.

10 Q All right. And did he tell you anything else as
11 far as who was to drive it or what you were supposed to do
12 with that?

13 A No, sir.

14 Q But he did tell you that you could drive it,
15 correct?

16 A That's correct, sir.

17 Q Did he tell you that somebody else could drive
18 it as well?

19 A No, sir.

20 Q And he was loaning that SMC Transport vehicle to
21 you as a favor?

22 A That's correct, sir.

23 Q All right.

24 MR. DUNN: Thank you.

25 THE WITNESS: Thank you, sir.

1 MR. HEARN: Is that it?

2 EXAMINATION

3 BY MR. HEARN:

4 Q Mr. Salinas, we met earlier. I'm David Hearn
5 and I represent Israel Martinez. I got a couple of
6 questions for you, all right?

7 A Okay.

8 Q I believe you testified earlier that you really
9 didn't know Israel socially, correct?

10 A That's correct, sir.

11 Q You only knew him through Salinas?

12 A That's correct.

13 Q You only met him three times?

14 A Yes, sir; that's correct.

15 Q So you weren't friends?.

16 A No, sir.

17 Q All right. I think you testified you're not
18 related, correct?

19 A That's correct.

20 Q All right. You also testified that when you
21 went to pick him up to go up to the trip up to Virginia,
22 you called him first, correct?

23 A That's correct.

24 Q All right. How did you get the phone number for
25 a person you didn't know?

1 A Through the company.

2 Q How did you get the phone number?

3 A My brother Rudy.

4 Q Rudy gave you Israel's phone number?

5 A Yes, sir.

6 Q When did he do that?

7 A When I called him that I was broke down.

8 Q Okay. And so Rudy gave you Israel's phone
9 number and told you what?

10 A What do you mean?

11 Q Did Rudy tell you to call Israel?

12 A No, I asked him for the number so I could,
13 because he was out of town. So I told him, like -- I knew
14 that Israel had done a drug test for us, for the company,
15 right, he was going to start working for us already and so
16 I asked him for the number so he could help me.

17 Q Why did you pick Israel instead of another
18 driver for Salinas?

19 A Because we didn't have nobody else.

20 Q Okay. You asked Rudy specifically for Israel's
21 phone number?

22 A Yes, sir.

23 Q And Rudy gave you the phone number?

24 A Yes, sir.

25 Q And you told Rudy that you wanted Israel's phone

1 number because you wanted him to go up to Virginia with
2 you?

3 A To help me.

4 Q And Rudy understood that, correct?

5 A Yes, sir.

6 Q And Rudy didn't tell you, no, Israel can't do
7 that, did he?

8 A No, sir.

9 Q He didn't say he can't do that because he
10 doesn't work for us, correct?

11 A No, sir.

12 Q When you were on the phone asking for Israel's
13 phone number because you wanted him to do something, did
14 you explain to Rudy what you wanted Israel to do?

15 A Well, I just told him that I needed him to help
16 me.

17 Q Okay. Did you explain what you wanted Israel to
18 help you do?

19 A No, sir, we didn't get into detail.

20 Q And Rudy didn't ask any questions about that?

21 A No, sir.

22 Q You testified earlier that when you were driving
23 from Houston up to Virginia that you and Israel switched
24 off the driving responsibilities, correct?

25 A That's correct.

1 Q So you would take turns as you drove from
2 Houston to Virginia?

3 A Yes, sir.

4 Q And you testified that you observed Israel
5 filling out logs for his portion of the drive?

6 A That's correct.

7 Q Where did Israel get those log sheets?

8 A I'm not sure, we bought them at the truck stop
9 or I can't remember.

10 Q Where did you get your log sheets?

11 A I got mine at the truck stop.

12 Q You bought them?

13 A Yeah, the ones you buy.

14 Q Which truck stop? Was it the truck stop in
15 McAllen where you were hooking up the SMC vehicle?

16 A No, I got mine, like, I got stack of them with
17 my logbooks, I got my note thing.

18 Q Okay.

19 A Like, I already had mine.

20 Q You already had yours?

21 A Yes, sir.

22 Q So how did they get into the SMC truck?

23 A I got them, they were mine.

24 Q Did you take them with you in your personal
25 vehicle?

1 A Yes, sir.

2 Q Where were they before they were in your
3 personal vehicle?

4 A In my truck.

5 Q In your Salinas truck?

6 A Yes.

7 Q So you took them out of the Salinas truck when
8 you left the rest stop in Virginia?

9 A Yes, sir.

10 Q You put them in Eddie's truck, took them back
11 with you to Zapata, correct?

12 A That's correct, sir.

13 Q All right. Then put them in your personal
14 vehicle, correct?

15 A That's correct.

16 Q And then took those over and put them in the SMC
17 truck?

18 A That's correct.

19 Q But Israel had some log sheets. Did he bring
20 those with him or did you give them to him?

21 A I'm not sure.

22 Q The log sheets you had, were they loose or were
23 they in a --

24 A No, I had them in a black binder.

25 Q Were they loose so you could take some out and

1 give some to someone if you wanted to?

2 A Yeah, you could.

3 Q Okay. You testified that you threw your logs
4 away for the trip up to Virginia to get your truck, your
5 disabled truck; is that correct?

6 A That's correct.

7 Q All right. And at the time you discarded them
8 they were in the SMC vehicle, correct?

9 A No, sir.

10 Q Where were they when you discarded them?

11 A I can't remember. At the house already, I don't
12 remember.

13 Q When you got the disabled Salinas truck and SMC
14 truck back to Zapata, did you take your logs out of the
15 SMC truck or did you leave them in the SMC truck?

16 A I went from there to Weslaco to drop off the SMC
17 truck and when I got picked up I got everything off when I
18 got Weslaco.

19 Q Okay. So you got to Weslaco and you left the
20 SMC truck there, correct?

21 A That's correct.

22 Q So you took your personal belongings out of the
23 truck at that point?

24 A That's correct.

25 Q And that included your logs, correct?

1 A Yes, sir.

2 Q Did you grab all the paperwork?

3 A No, sir, I grabbed my binder, folder.

4 Q Did you see Israel's logs at that point?

5 A No, sir.

6 Q Does that mean they weren't there or you just
7 didn't look and you don't know one way or another?

8 A I just didn't look. I wasn't looking for them
9 so.

10 Q So you took your personal logs, put them away in
11 your truck?

12 A Yes, sir.

13 Q Personal vehicle?

14 A Yes, sir.

15 Q Drove back to Zapata?

16 A That's correct.

17 Q And when you got back to Zapata, did you go to
18 your house?

19 A Went to the office.

20 Q Did you discard your logs when you got to your
21 house?

22 A I can't remember, sir.

23 Q Okay. Is there any chance you scooped up
24 Israel's logs by accident and threw them away?

25 A No, sir.

1 Q How do you know that?

2 A Because I didn't see them with my belongings.

3 Q Did you look through your paperwork before you
4 threw it away?

5 A Yes, sir.

6 Q Why did you do that?

7 A Because I got my logs for my trip and logs that
8 I went up to Virginia, those I don't need them.

9 Q All right. And just so I'm clear, after you
10 hooked up the -- at the rest stop after you hooked up the
11 SMC and Salinas units, you went into the rest room?

12 A That's correct.

13 Q Before you went into the rest room you didn't
14 have any discussions with Israel about what he was going
15 to do?

16 A No, sir, I just told him when I got out we were
17 going to try to turn the truck around.

18 Q All right. But he didn't tell you how he was
19 going to do that at that point, correct?

20 A No, sir.

21 Q You didn't tell him how he to do it?

22 A No, sir.

23 Q So you go to the rest room and you're in the
24 rest room, correct?

25 A That's correct.

1 Q And you come out and you see Israel and his
2 vehicle is in a different position, correct?

3 A Correct, sir.

4 Q And it's somewhere in the entrance way to the
5 rest stop, correct?

6 A That's correct.

7 Q You didn't see how it got there?

8 A No, sir.

9 Q You don't know what he did to get there?

10 A No, sir.

11 Q And when you saw, it was stopped?

12 A That's correct.

13 Q It wasn't moving?

14 A It wasn't moving.

15 Q And after the accident happens you have no
16 discussions with Martinez, Israel Martinez about what he
17 was doing before the accident happened, correct?

18 A That's correct, sir.

19 Q And you had no discussions with him about what
20 he intended to do had the accident not happened, correct?

21 A That's correct.

22 Q So as we sit here today under oath, you have no
23 idea how he was maneuvering or intended to maneuver that
24 vehicle?

25 A That's correct, sir.

1 Q After the accident happened, did you see the
2 troopers come to the scene?

3 A Yes, sir.

4 Q State police?

5 A Yes, sir.

6 Q All right. And did you ever have an opportunity
7 to speak to any state trooper while you were there?

8 A No, sir.

9 Q Did you ever go up to a state trooper and
10 identify, not identify yourself, but say, this is my truck
11 here or words to that affect?

12 A Well, I know Israel told them that I was there,
13 the owner. They told him, I don't want to talk to him, I
14 want to talk to you because you're the guy involved in the
15 accident.

16 Q Did that trooper ever come over and speak to
17 you, did any trooper come speak to you?

18 A I was there standing all night and nobody came
19 to me.

20 Q Did you ever seek out any of the troopers to
21 tell them what you saw?

22 A No, sir.

23 Q Why not?

24 A They didn't want to talk to me.

25 Q Did you feel like you had seen some events

1 related to the accident?

2 A Yes, sir.

3 Q Did you feel like that would be important for
4 the officers to know?

5 A I didn't think about it at the time.

6 Q Okay. You indicated earlier that you had a
7 previous felony conviction?

8 A Yes, sir.

9 Q All right. At the time of this accident were
10 you on probation?

11 A Yes, sir.

12 Q Did you have an assigned probation officer?

13 A Yes, sir.

14 Q Was a term of your probation restriction in your
15 ability to travel outside the state of Texas?

16 A No, sir.

17 Q Okay. Were you permitted to travel outside the
18 state of Texas?

19 A That's correct.

20 Q Were you permitted to work?

21 A That's correct.

22 Q Okay. At any time after the accident happened
23 did you get into Eddie's truck?

24 A I don't remember, sir.

25 Q Did you get into Eddie's truck and call Rudy on

1 the phone?

2 A I don't remember.

3 Q If Eddie has testified in this case that he
4 recalls you getting into the cab of his truck or the
5 sleeper and that you were on the phone with Rudy, then you
6 would not dispute that, correct?

7 A No. I don't remember if I did or not that
8 night.

9 Q Okay. Have you ever talked to anyone that works
10 for Salinas Express about the day of the accident or what
11 you observed or what happened?

12 A No, sir.

13 MR. FRANKL: Let me just say as a proviso,
14 when I met with him there was a representative of Salinas
15 Express there. We were talking about the accident, so in
16 that respect --

17 MR. HEARN: Fair enough.

18 MR. FRANKL: -- there was some conversation
19 in that regard.

20 MR. HEARN: Fair enough.

21 Q (By Mr. Hearn) Before this accident happened,
22 did you ever observe Israel Martinez driving a Salinas
23 vehicle?

24 A Yes, sir.

25 Q Okay. How many times do you think you saw him

1 doing that?

2 A I'm not sure.

3 Q More than twice?

4 A Pretty much.

5 Q More than four times?

6 A I wouldn't say. I don't know.

7 Q What was he, when you observed him driving a
8 Salinas vehicle, what was he doing? Was he pulling a
9 load?

10 A Yeah, he pulled a load, yes, sir.

11 Q After the accident happened, I know you said
12 Israel did a load for you, correct?

13 A It was after this year.

14 Q Okay. So that would be after the accident. The
15 accident was October 20, 2013?

16 A Yeah, it happened February or January, February.

17 Q So he was helping you out by doing a load for
18 you?

19 A He did a load for me, sir.

20 Q Why couldn't you do the load?

21 A I had -- I don't remember, I had to do
22 something.

23 Q Okay. Did Israel take your truck, your assigned
24 Salinas truck?

25 A Yes, sir.

1 Q Okay.

2 MR. HEARN: All right, that's all my
3 questions. Thank you, sir.

4 THE WITNESS: Thank you, sir.

5 MS. WHITE: Yeah, that brings up a few
6 things.

7 REEXAMINATION

8 BY MS. WHITE:

9 Q Why did you keep logs on the trip to Virginia if
10 you didn't think you were required to?

11 A What do you mean?

12 Q Well, were you required to keep the logs on the
13 trip to Virginia?

14 A Driving up, yes, but not to keep them at home,
15 no.

16 Q So to your understanding are there certain
17 categories of logs that you're just not required to keep?

18 A Well, the ones you're not working for a company,
19 you don't need them. Why are you going to keep them for.
20 You only keep the logs you pull loads for. If I go in my
21 truck, bobtail, do something, I don't got to keep a log
22 for that. I'm not working.

23 Q So is it your understanding there's -- you have
24 to actually keep the log when you're driving, but you
25 don't have to keep it beyond that?

1 A That's correct.

2 Q Was -- were there any restrictions on your
3 ability to leave Texas?

4 A No.

5 Q Like it has to be for work only?

6 A Work purpose, yeah.

7 Q Yeah. But for personal purposes can you leave
8 Texas?

9 A I got permission to drive, so I can go much
10 wherever I want.

11 Q All right. So can you, right now, could we take
12 a trip to Florida without you asking your probation
13 officer?

14 A If I'm in the truck, yeah.

15 Q Just on a personal, though, if we got in my
16 rented Camaro and drove to Florida?

17 A I wasn't in a car, I was in my truck.

18 Q Huh?

19 A I wasn't in my car. I was in a truck.

20 Q I understand. It's a hypothetical question. If
21 we just jumped in the Camaro that I rented outside and
22 drove to Florida, would you have to ask permission from --

23 A Again, I was in my truck, not in a car.

24 Q I understand. It's a hypothetical question.

25 For personal reasons, can you leave Texas?

1 A If I'm in my truck, I can go anywhere I want.
2 Q Not in a truck. In a regular car, can you leave
3 Texas without asking?

4 A I've never -- I've always been in my truck.

5 Q So is the answer, no, you cannot?

6 A No, I don't know.

7 Q Do you know what the conditions of your
8 probation are?

9 A Not really.

10 Q So if it's not work related, is it your feeling
11 that you can't leave Texas unless it's related to work?

12 A I wouldn't know.

13 Q Sergio didn't give you any restrictions on who
14 could drive the truck?

15 A No.

16 Q The ultimate consequence of this trip was that
17 Salinas Express was able to fulfill its contract to
18 deliver the load that had been attached to your truck?

19 A What do you mean?

20 Q The trip ultimately allowed Salinas Express to
21 deliver the load that it had contracted to deliver?

22 A To deliver the load?

23 Q Yeah.

24 A Like, what do you mean, like?

25 Q The load that had been attached to your broken

1 down --

2 A Yes.

3 Q -- this trip to Virginia ultimately allowed
4 Salinas Express to fulfill that contract to deliver that
5 load?

6 A Yes, ma'am.

7 Q Okay.

8 MS. WHITE: That's all we have.

9 REEXAMINATION

10 BY MR. DUNN:

11 Q Mr. Salinas, when you talked to Sergio Cuellar
12 about using the SMC tractor, he told you that you could
13 use that tractor, correct?

14 A That's correct, sir.

15 Q And it was -- you didn't tell him that anybody
16 else was going to use the tractor, correct?

17 A That's correct.

18 Q So it's your intention to -- strike that
19 question.

20 So Mr. Cuellar did not know that anybody
21 else was going to use that tractor except you, correct?

22 A That's correct.

23 MS. WHITE: I'm sorry, what was the
24 question? I didn't hear.

25 (Court reporter read the last question.)

1 MR. DUNN: All right, thanks.

2 THE WITNESS: Thank you.

3 MS. WHITE: I was thinking for a second.

4 Hold on.

5 THE VIDEOGRAPHER: Are we off the record?

6 MS. WHITE: No. No, I just want to think
7 for a second. And I just had one other question I thought
8 of.

9 FURTHER REEXAMINATION

10 BY MS. WHITE:

11 Q Did you actually see the bread truck and whether
12 it hit the young man when he was outside of his vehicle?

13 A No, ma'am.

14 Q You didn't see that happen?

15 A (Nods head.)

16 MS. WHITE: That's all.

17 MR. FRANKL: He'll read.

18 THE VIDEOGRAPHER: The time is 11:48 in the
19 morning and we are off the record.

20
21 (Signature having been requested, the
22 deposition was concluded at 11:48 a.m.)
23
24
25

ERRATA SHEET -- CHANGES AND SIGNATURE

2	PAGE LINE	CHANGE	REASON
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

ROY SALINAS

1
2
3
4
5
6
7
8 I declare under penalty of perjury that the
9 foregoing is true and correct.

10
11 ROY SALINAS
12

13
14 SUBSCRIBED AND SWORN TO BEFORE ME, the
15 undersigned authority, by the witness, ROY SALINAS,
16 on this the _____ day of _____,
17 _____.

18
19 NOTARY PUBLIC IN AND FOR
20 THE STATE OF _____

21
22 My Commission Expires: _____
23
24
25

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 ROANOKE DIVISION

4 BRANDON LESTER

§

4 vs.

§

CIVIL ACTION NO.

7:15-CV-665

5 SMC TRANSPORT, LLC AND ISRAEL
6 MARTINEZ, JR. AND SALINAS
7 EXPRESS, LLC

§

§

§

7 REPORTERS CERTIFICATION
8 OF ROY SALINAS
9 April 19, 2016

10 I, Annette E. Escobar, Certified Shorthand
11 Reporter in and for the State of Texas, hereby certify to
12 the following:

13 That the witness, ROY SALINAS was duly
14 sworn by the officer and that the transcript of the oral
15 deposition is a true record of the testimony given by the
16 witness;

17 That the deposition transcript was
18 submitted on _____, 2016, to the witness or
19 to the attorney for the witness for examination,
20 signature, and return to me by _____, 2016;

21 That the amount of time used by each party
22 at the deposition is as follows:

23 JOHNEAL WHITE (2H66M) Attorney for
24 Plaintiff.

25 LAWRENCE DUNN (0H07M) Attorney for
 Defendant;

 DAVID HEARN (0H12M) Attorney for Defendant.

1 That pursuant to information given to the
2 deposition officer at the time said testimony was taken,
3 the following includes counsel for all parties of record:

4 Johneal White, Attorney for Plaintiff(s)
5 Lawrence Dunn, Attorney for Defendant(s)
6 David Hearn, Attorney for Defendant(s)
7 Daniel Frankl, Attorney for Defendant(s)

8 I further certify that I am neither counsel
9 for, related to, nor employed by any of the parties in the
10 action in which this proceeding was taken, and further
11 that I am not financially or otherwise interested in the
12 outcome of this action.

13 Certified to by me on this 8th day of May,
14 2016.

15 
16 ANNETTE E. ESCOBAR
17 CSR#5475, Exp: 12/31/17

21
22
23
24
25